

**Worksheet
Documentation of Land Use Plan Compliance
and NEPA Adequacy (DNA)
NM-DNA-060-03-0054
Existing EA NM-060-02-115 (attached)
U.S. Department of the Interior
Bureau of Land Management**

A. BLM Office: Roswell

Lease/Serial/Case File No.: NM107639

Proposed Action Title/Type: Off Lease Access Road to the Duncan "LH" Federal No. 2

Location of Proposed Action: T. 8 S., R. 25 E., NMPM
Section 3: SE1/4NE1/4, N1/2SE1/4.

Description of Proposed Action: Yates Petroleum Corporation proposes to amend the surface use plan to change the access road route to provide access to the existing well. The original road route was authorized when the Application for Permit to Drill was approved on February 2, 1983. The proposed access road reroute is proposed because a major karst feature had developed across the original existing road route and the existing road is unsafe to drive. The original road was placed across a natural depression where runoff water collects. During periods of wet weather the road is flooded and vehicles create new routes to avoid standing water. The approved road was also not maintained or surface and BLM has condemned the existing access road.

The proposed road is approximately 2,100 feet, of which the entire length is located on public land. The proposed road would be 30 feet in width, with a 14 feet driving. The proposed road would be constructed and maintained in accordance with the New Mexico Road Policy

Applicant (if any): Yates Petroleum Corporation

B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans

LUP Name: Roswell RMP

Date Approved: October 1997

C. Identify the applicable NEPA document(s) and other related documents that cover the Proposed action.

Other document: Environmental Assessment EA#NM-060-02-115 Date Approved: October 31, 2002.

D. NEPA Adequacy Criteria

1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed?

Yes. The proposed access road is essentially the same action as the existing road approved on

February 18, 1983. However the proposed road would be safer. The proposed road reroute is proposed because a major karst feature has developed across the existing road making it unsafe to drive during periods of wet weather. In addition during the periods of wet weather when the road is flooded, vehicles create new routes to avoid standing water which creates undue and unnecessary environmental damage to the public lands.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, resource values and circumstances?

Yes. Current environmental concerns, interests, resource values and circumstances remain the same as when the above reference EA was prepared.

3. Is the existing analysis adequate and are the conclusions adequate in light of any new information or circumstances? Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis on the proposed action?

No new information or circumstances have arisen with respect to oil and gas development in this area. The BLM has condemned the existing access road because the development of the karst feature poses a danger to the public if the existing road, as build, continues to be used. The existing analysis and conclusions are adequate.

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?

Yes. The proposed action is essentially identical with the above referenced EA with the exception of a minor relocation. The proposed relocation would disturb approximately 1.446 acres of vegetation, as analyzed in the existing NEPA document. The methodology and analytical approach is appropriate for the current proposed action.

5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document sufficiently analyze site-specific impacts related to the current proposed action?

Yes. The above referenced EA addressed a proposed action for an access road located in essentially the same environmental area. The direct effects of the proposed action include soil and vegetative disruption and further fragmentation of wildlife and are adequately discussed in the existing NEPA document and are unchanged.

6. Can you conclude without additional analysis or information that the cumulative impacts that would result from the implementation of the current proposed action are substantially unchanged from those analyzed in the existing NEPA document(s)?

Yes, the proposed reroute of the access road is located in an area where oil and gas are ongoing. The proposed road is essential to oil and gas drilling activities. Additionally, the proposed road reroute is located in an area with sufficient quantities of natural gas to assume near maximum development - one well per 320 acres (or 160 acres), each with access road, pad and pipeline -

which would involve similar surface impacts. This proposed road reroute would not add substantially to cumulative impacts as addressed in the existing NEPA document

7. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes. During development of the Roswell RMP various publics and agencies through various public meetings held participated in the development of standard stipulation and conditions of approval for actions associated with development of oil and gas. It is through the public and agencies meetings held that the existing standard stipulations and conditions of approval were developed

E. Interdisciplinary Analysis: Refer to EA Checklist prepared as part of this DNA.

F. Mitigation Measure: Requirement of the Standard Stipulations for Roads as required by the approved Roswell RMP.

Conclusion

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the existing NEPA documentation fully covers the proposed action. This constitutes BLM's compliance with the requirement of NEPA.

[If one or more of the criteria are not met, a conclusion of conformance and/or NEPA adequacy cannot be made.]

/s/ Armando A. Lopez

2/5/03

for Larry D. Bray, Assistant Field Manager
Lands and Minerals

Date

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

SERIAL NUMBER NM 107639

1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).
2. Nature of Interest:
 - a. By this instrument, the holder:

Yates Petroleum Corporation
105 South 4th Street
Artesia, NM 88210

Receives a right to construct, operate, maintain, and terminate an off lease access road, on public lands described as follows:

: T. 8 S., R. 25 E., NMPM
Section 3: SE1/4NE1/4, N1/2SE1/4.
 - b. The right-of-way or permit area granted herein is 30 feet wide, 2,100 feet long and contains 1.446 acres, more or less. If a site type facility, the facility contains _____ acres.
 - c. This instrument shall terminate on _____ unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
 - d. This instrument may be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
 - e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibit A, dated , attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
- g.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

Signature of Holder

Signature of Authorized Officer

Title

Title

Date

Effective Date of Grant

BLM Serial Number: _____
Company Reference: _____

STANDARD STIPULATIONS FOR PERMANENT RESOURCE ROADS
THE ROSWELL DISTRICT, BLM

The holder/grantee/permittee shall hereafter be identified as the holder in these stipulations. The Authorized Officer is the person who approves the Application for Permit to Drill (APD) and/or Right-of-Way (ROW).

GENERAL REQUIREMENTS

The holder shall minimize disturbance to existing fences and other improvements on public domain surface. The holder is required to promptly repair improvements to at least their former state. Functional use of these improvements will be maintained at all times. The holder will make a documented good-faith effort to contact the owner of any improvements prior to disturbing them. When necessary to pass through a fence line, the fence shall be braced on both sides of the passageway prior to cutting of the fence.

Holder agrees to comply with the following stipulations:

1. ROAD WIDTH AND GRADE

The road will have a driving surface of 12 feet (all roads shall have a minimum driving surface of 12 feet, unless local conditions dictate a different width). The maximum grade is 10 percent unless the box below is checked. Maximum width of surface disturbance from construction will be 24 feet.

☐ Those segments of road where grade is in excess of 10% for more than 300 feet shall be designed by a professional engineer.

2. CROWNING AND DITCHING.

Crowning with materials on site and ditching on one side of the road on the uphill side will be required. The road cross-section will conform to the cross section diagrams in Figure 1. If conditions dictate, ditching may be required for both sides of the road; if local conditions permit, a flat-bladed road may be considered (if these conditions exist, check the appropriate box below). The crown shall have a grade of approximately 2% (i.e., 1" crown on a 12' wide road).

☐ Ditching will be required on both sides of the roadway as shown on the attached map or as staked in the field.

☐ Flat-blading is authorized on segment(s) delineated on the attached map.

3. DRAINAGE.

Drainage control shall be ensured over the entire road through the use of borrow ditches, outsloping, insloping, natural rolling topography, lead-off (turnout) ditches, culverts, and/or drainage dips.

A. All lead-off ditches shall be graded to drain water with a 1 percent minimum to 3 percent maximum ditch slope. The spacing interval for lead-off ditches shall be determined according to the following table, but may be amended depending upon existing soil types and centerline road slope (in %):

SPACING INTERVAL FOR TURNOUT DITCHES

| Percent slope | Spacing interval |
|---------------|------------------|
| 0% - 4% | 400' - 150' |
| 4% - 6% | 250' - 125' |
| 6% - 8% | 200' - 100' |
| 8% - 10% | 150' - 75' |

A typical lead-off ditch has a minimum depth of 1 foot below and a berm 6 inches above natural ground level. The berm will be on the down-slope side of the lead-off ditch. The ditch end will tie into vegetation whenever possible.

For this road the spacing interval for lead-off ditches shall be at

/ / 400 foot intervals.

/ / foot intervals.

/ / locations staked in the field as per spacing intervals above.

/ / locations delineated on the attached map.

B. Culvert pipes shall be used for cross drains where drainage dips or low water crossings are not feasible. The minimum culvert diameter must be 18 inches. Any culvert pipe installed shall be of sufficient diameter to pass the anticipated flow of water. Culvert location and required diameter are shown on the attached map (Further details can be obtained from the Roswell District Office or the appropriate Resource Area Office).

C. On road slopes exceeding 2%, drainage dips shall drain water into an adjacent lead-off ditch. Drainage dip location and spacing shall be determined by the formula:

$$\text{spacing interval} = \frac{400'}{\text{road slope in \%}} + 100'$$

Example: 4% slope: spacing interval = $\frac{400}{4} + 100 = 200$ feet

Unless otherwise approved by the Authorized Officer, vehicle turnouts will be required. Turnouts will be located at 2000-foot intervals, or the turnouts will be intervisible, whichever is less. Turnouts will conform to the following diagram:



6. CATTLEGUARDS.

7. MAINTENANCE.

8. PUBLIC ACCESS.

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9. CULTURAL RESOURCES

Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on the holder's behalf, on public or Federal land shall be immediately reported to the authorized officer. The holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to the proper mitigation measures will be made by the authorized officer after consulting with the holder.

10. SPECIAL STIPULATIONS:

BLM Serial Number: NM 107639
Company Reference: Duncan LH Fed. No.2 Road

ROAD REHABILITATION SPECIFICATIONS

35. When the road is abandoned, it will be ripped at least sixteen inches deep, including turnouts. The caliche may be reclaimed for re-use before ripping, if so desired. Alternately, the caliche can be plowed under with a grader, or other soil turning device, and the plowed surface disked before seeding. All culverts or other structures will be removed. All fill material will be replaced into the cut areas; barrow and lead-off ditches, drainage dips, or other erosion control earthwork will be filled or smoothed; and the abandoned road returned to the natural contours, as closely as possible. Water breaks at least eight inches high will be constructed as shown on accompanying Illustration Sheet. Traffic barriers will be installed at all vehicular access points to prevent further use of the road.

Reseed the entire area with the following mixture (to be determined by DPC): Please Call the Range Conservations at the Roswell Field Office (505) 627-0272.

All disturbed areas are to be seeded with the seed mixture listed above. The seed and any fertilizer involved are to be applied together by broadcasting with a seed spreader, then harrowed for seed coverage. Use of a seed drill is acceptable. Appropriate measures will be taken to ensure that the seed/fertilizer mixture is evenly and uniformly planted. There will be no primary or secondary noxious weeds in the seed mixture. Seed will be tested for viability and purity in accordance with State law(s) within nine months prior to purchase. Commercial seed will be either certified or registered and the seed mixture container will be tagged in accordance with State law(s). The seed will be available for inspection by the Authorized Officer. The seeding will be repeated until a satisfactory stand is established as determined by the Authorized Officer. Evaluation of growth will not be made before completion of the first growing season after seeding. Waiver of this requirement would be considered if diligent attempts to re-vegetate a site have failed and the Authorized Officer determines that further attempts would be futile.

Normally, the best time for seeding is between June 15 and September 15. However, the grantee may reseed immediately after completing surface abandonment procedures. The BLM reserves the right to require reseeding at a specific time if seed does not germinate after one complete growing season. Contact the Roswell Field Office at 627-0272 at least two working days before the start of reseeding activities or if there are any questions.